



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,443	02/15/2002	Timothy C. Loose	47079-0115	3128

30223 7590 08/08/2005

JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/077,443	LOOSE ET AL.	
	Examiner	Art Unit	
	Scott E. Jones	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,51,52 and 54-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,51,52 and 54-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/15/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on December 22, 2004 in which applicant amends claims 1, 8, and 51, adds new claims 55 and 56, and responds to the claim rejections. Claims 1, 3-9, 51, 52, and 54-56 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 51, 52, 54, 55, and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 51 recites the limitation "said curved display device" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 52 and 54 inherit the deficiency of claim 51 by dependency.

Regarding Claims 55 and 56, it is unclear whether the claim limitations in each of the claims are directed to the first image display device or the second curved display device recited in independent claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-9, 51, 52, and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sines et al. (U.S. 5,934,672) in view of Belfer (U.S. 5,873,645).

The rejection as stated in Office Action, Paper No. 090304 is retained and incorporated herein.

Additionally, the previous rejection to claim 7 is applicable new claims 55 and 56.

Response to Arguments

7. Applicant's arguments filed December 22, 2004 have been fully considered but they are not persuasive.

8. Applicant alleges Sines produces only an image of actual mechanical reels and does not produce an image of simulated mechanical reels. The examiner respectfully disagrees. Even if Sines only produced an image of actual mechanical reels, it would have been obvious at the time of applicant's invention to one having ordinary skill in the art to produce a simulated image because providing either of the images performs the same equivalent function. See MPEP 2144. Furthermore, the examiner believes Sines explicitly discloses this feature in Column 8, lines 24-52, specifically, lines 47-52. Sines discloses the optical fibers can be of various types. In one form of the invention some or all of the optical fibers can be tapered to allow the desired degree of magnification or demagnification. This can be used to reduce the viewing size of the symbol images to observer (56) dependent upon the proximity of the symbol to an index marker (not shown in Fig. 8). The examiner asserts one would not reduce the viewing size of a symbol depending on the proximity of a symbol to an index marker (such as a traditional single payline) on a flat, two-dimensional display. There would be no reason to do so. However, if one was trying to simulate a mechanical reel on a display, one would be motivated to reduce the viewing

size of a symbol depending on the proximity of a symbol to an index marker to make the simulated mechanical reel look more realistic to the player.

Applicant alleges Sines does not disclose a window in front of and separated from the curved display surface. The examiner respectfully disagrees. Sines explicitly discloses this feature in Column 8, lines 38-42. Sines states, "The display ends (54) of the optical fibers are positioned so as to form an image emitter or image emitting array which is either directly visible or passed through one or more lenses or screens (55) in order to enhance the image viewed by the player." The examiner notes the "one or more lenses or screens (55)" is not shown in figure 8, however, the feature is discussed in the disclosure.

The examiner disagrees that there would be no motivation to combine Sines and Belfer. As discussed above, Sines explicitly discloses/teaches realistically simulating mechanical reels on a display. Doing so would require a mechanical or simulated reel that had a radius of curvature. Therefore, it would have been obvious to utilize Belfer's curved display surface structure to approximate the radius of curvature of an actual mechanical reel to make the display look more realistic to a player.

For the reasons discussed above, the examiner maintains the holding of the previous rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones
Primary Examiner
Art Unit 3713

